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10/015,458	12/13/2001	Luis M. Ortiz	O&L 1000-1086	4602

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EXAMINER

YODER III, CHRISS S

ART UNIT	PAPER NUMBER
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2622

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/015,458

Applicant(s)

ORTIZ ET AL.

Examiner

Chriss S. Yoder, III

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5,7-12,14,16,18-22,24,28-31,70 and 72 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5,7-12,14,16,18-22,24,28-31,70 and 72 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12/13/2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application
- ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March 19, 2007 has been entered.

Response to Amendment

The declaration under 37 CFR 1.132 filed March 13, 2007 is insufficient to overcome the rejection of claims 1-3, 5, 7-12, 14, 16, 18-22, 24, 28-31, 70, and 72 based upon Anderson (US Patent # 6,578,203) in view of Duhault (US Patent # 6,456,334) under 35 U.S.C. 103, as set forth in the last Office action because: the declaration fails to set forth facts which show that the combination of Anderson in view of Duhault would be non-obvious (the Examiner feels that the declaration is merely opinion based, and not found persuasive).

1. Dr. Krukar states in paragraph 5, that he did not know specifically of Duhault or Anderson in 2001, but is experienced in both displaying multiple video streams on various size windows on a computer monitor as well as the use of HUD (head mounted display) devices to watch video. Dr. Krukar also states that he has never considered

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combining the two pieces of art, and that in hindsight it is because it did not make sense at the time.

In order to support the opinion that the combination did not make sense at the time, Dr. Krukar states, in paragraph 6, that Anderson's HUD would require numerous tuners in a small and light form factor. And that adding Duhault into Anderson would not have worked on 12/13/2001 because, at the time, having multiple tuners was in the realm of rack mount equipment.

The Examiner disagrees that the use of multiple tuners was limited to the realm of rack mount equipment, and notes that Duhault discloses the use of a portable device that is used to display multiple video streams (column 2, lines 16-31 discloses the use of a "handheld" processing device to display, and column 7, lines 36-58 discloses that the processing device is used to display multiple videos by using multiple tuners). Additionally, Dr. Krukar also notes, in paragraph 4, that Duhault discloses the use of multiple tuners and the use of a "handheld" device. Therefore, the use of multiple tuners in a "handheld" device can be seen in use even as far back as June of 1999, and not strictly limited to the realm of rack mount equipment.

To further support the opinion that the combination did not make sense at the time, Dr. Krukar states, in paragraph 7, that by adding Anderson into Duhault (i.e. to modify Duhault using the teachings of Anderson), each HUD would receive the same windows, or alternately each HUD receiver could have a dedicated rack of Duhalt style equipment, with each rack having its own broadcast channel, thereby severely limited by available transmission bandwidth. Wherein, neither of these combinations produces

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a decent result and is not the system of 10/015,458. However, the Examiner notes that the combination of Duhault modified using teachings of Anderson was not relied upon, but rather Anderson is modified using the teachings of Duhault, and therefore this is considered moot.

2. In paragraph 8, Dr. Krukar states that neither himself nor any expert he knows in the field would have considered combining Anderson and Duhault before 2002 because the result would be horrible and that only the inspired insight of someone who is NOT an expert in the related fields could have envisioned the system of 10/015,458. The Examiner considers this to be an opinion that is not supported by factual evidence, and thus, not persuasive.

3. In paragraphs 9-13, Dr. Krukar discusses the distinction between a handheld device and an HUD. Stating that a handheld device is like a picture held 20 inches or so from a viewers face, and that a HUD is like binoculars held to the viewer's eyes. And based on this opinion, Dr. Krukar states that the use of an HUD held at about 20 inches is about as useful as binoculars held at a similar distance.

The Examiner disagrees, based on the common definition of "handheld" simply being something that is operated while being held in a user's hand (Merriam-Webster's Collegiate Dictionary, Tenth Edition), a "handheld" display is not considered to be limited to a display device that is held 20 inches or so from a viewers face, but rather any display device that is operated while held in a user's hand. Accordingly, the "handheld" device/display of the claimed invention is simply interpreted as a display device that is held in the user's hand while operated.

It is also noted that the features of being held a specific distance from the viewer's eye are not recited in the rejected claim(s), but simply that the device is "handheld". Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Therefore, the HUD of Anderson is considered to meet the limitation of being "handheld" since the device can be operated while being held (additionally, Dr. Krukar admits that an HUD can be held in the hand in paragraph 13).

4. Additionally, with respect to the declaration by Dr. Krukar, the Examiner notes that MPEP § 716 states that "it is the responsibility of the primary examiner to personally review and decide whether affidavits or declarations submitted under 37 CFR 1.132 for the purpose of traversing grounds of rejection are responsive to the rejection and present sufficient facts to overcome the rejection", and that "in assessing the probative value of an expert opinion, the examiner must consider the nature of the matter sought to be established, the strength of any opposing evidence, the interest of the expert in the outcome of the case, and the presence or absence of factual support for the expert's opinion."

This being considered, MPEP § 716.01(c) states that although an affidavit or declaration which states only conclusions may have some probative value, such an affidavit or declaration may have little weight when considered in light of all the evidence of record in the application. *In re Brandstadter*, 484 F.2d 1395, 179 USPQ 286 (CCPA

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1973). Therefore, Dr. Krukar's declaration is given little weight in view of the fact that the statements are considered to be opinion based, without any factual or evidentiary support.

MPEP § 716.01(c) also states that an affidavit of an applicant as to the advantages of his or her claimed invention, while less persuasive than that of a disinterested person, cannot be disregarded for this reason alone. *Ex parte Keyes*, 214 USPQ 579 (Bd. App. 1982); *In re McKenna*, 203 F.2d 717, 97 USPQ 348 (CCPA 1953). The Examiner notes that in the declaration, Dr. Krukar discloses information regarding his educational background and previous positions of employment in order to establish his credentials as an expert in the art. In addition, Dr. Krukar discloses his current occupation as a patent attorney (USPTO registration number 53,162). However, based on the declaration, the Examiner is unable to determine if Dr. Krukar is a person of interest.

In view of the foregoing, when all of the evidence is considered, the totality of the rebuttal evidence of nonobviousness fails to outweigh the evidence of obviousness.

Response to Arguments

Applicant's arguments filed March 19, 2007 have been fully considered but they are not persuasive.

5. Applicant argues that Dr. Krukar's declaration defeats the proposition that one skilled in the art would be motivated to combine Duhault with Anderson based on

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Anderson's limitation of using a head mounted display as a "handheld" display because of the viewer's perception of the image based on the distance that the device is held from the viewer's eyes.

However, as discussed above with respect to Dr. Krukar's declaration, based on the common definition of "handheld" simply being something that is operated while being held in a user's hand (Merriam-Webster's Collegiate Dictionary, Tenth Edition), a "handheld" display is not considered to be limited to a display device that is held 20 inches or so from a viewers face, but rather any display device that is operated while held in a user's hand. Accordingly, the "handheld" device/display of the claimed invention is simply interpreted as a display device that is held in the user's hand while operated.

And additionally, it is noted that the features upon which applicant relies (i.e., being held a specific distance from the viewer's eye or the user's perception of the image) are not recited in the rejected claim(s), but simply that the device is "handheld". Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Therefore, the HUD of Anderson is considered to meet the limitation of being "handheld" since the device can be operated while being held (additionally, Dr. Krukar admits that an HUD can be held in the hand in paragraph 13).

6. Applicant also argues, that based on Dr. Krukar's declaration, a skilled user of a head mounted display form factor would not be able to or interested in simultaneous viewing of video captured from more than one video source and that the combination of

Anderson with Duhault will not work. This statement is considered to one of opinion, and therefore not persuasive, due to the lack of factual or evidentiary support as to the viewing interests of head mounted display users or the inoperability of the combination of Anderson in view of Duhault.

7. Applicant also argues that considering Dr. Krukar's declaration, based on Anderson's incorporation of the "head mounted display" of Rozani et al. (US Patent # 5,844,656) in column 5, lines 25-30, and review of the "head mounted display" taught by Rozani, that the HMD 104 taught and suggested by Anderson is not a "hand held device" because the HMD *must* be attached to a person's head during use.

However, the Examiner notes that neither Anderson nor Rozani disclose that the display device *must* be mounted on a user's head during use, simply that it is the intended to be operated while mounted on a user's head. For that reason, the Examiner points out that the "head mounted display" is considered to be usable even if the device is not mounted on the user's head (i.e. the "head mounted display is still functional when operated in a user's hand). Again, based on the common definition of "handheld" simply being something that is operated while being held in a user's hand (Merriam-Webster's Collegiate Dictionary, Tenth Edition), the "handheld" device/display of the claimed invention is simply interpreted as a display device that is capable of being held in the user's hand while operated.

8. Applicant then argues that the HMD taught by Anderson is not similar to Applicant's "hand held device" and that "the Examiner is unfortunately placing way too much emphasis on a single sentence in Anderson et al to support a broader application

of the head mounted device taught therein.” The sentence stating that “the spectator may carry the receiver 75 with him and choose where he would like to view the images and hear the sounds produced by the receiver 75.”

Applicant then agrees that, “of course a spectator would carry the Anderson et al device with him into the entertainment venue. The spectator would do the same with Applicant’s device”. But argues that, “what is important is how the device operates and how it is used. This is what truly distinguishes Anderson et al from Applicant’s device. The technical distinction is why the skilled would never be interested in combining the teachings of Duhault with Anderson et al.” Again, the Examiner notes that, based on the common definition of “handheld” simply being something that is operated while being held in a user’s hand (Merriam-Webster’s Collegiate Dictionary, Tenth Edition), the “handheld” device/display of the claimed invention is simply interpreted as a display device that is capable of being held in the user’s hand while operated. Therefore, the HUD of Anderson is considered to meet the limitation of being “handheld” since the device can be operated while being held, and furthermore, how the device operates and how it is used is considered to be the same as Applicant’s when the HUD of Anderson is combined with Duhault to teach the use of a “handheld” display device that simultaneously displays at least two camera views.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1, 2, 8-12, 18-22, 29-30, 31, 70, and 72 are rejected under 35 U.S.C.

103(a) as being unpatentable over Anderson, Jr. et al. (US Patent # 6,578,203) in view of Duhault (US Patent # 6,456,334).

10. In regard to claim 1, note Anderson discloses the steps of simultaneously transmitting more than one video signal captured by more than one video camera located at an entertainment venue said more than one video signal including at least one in-play camera view from at least one in-play camera located at an in-play location within the entertainment venue (column 2, line 66- column 3, line 15 and column 4, lines 31-46; figure 2: 22 and 25; the in-play cameras are considered to be the video cameras positioned around the event and the video signals are transmitted simultaneously), processing said more than one video signal for display on a display associated with a hand held device (column 6, lines 5-47; the video is processed in order to display the video that is selected by the user), and displaying said at least one in-play camera view on said display (column 6, lines 5-47).

Therefore, it can be seen that the Anderson device lacks the use of simultaneously displaying more than one in-play camera view. In analogous art, Duhault discloses the use of a hand held device that can simultaneously display multiple video signals (column 2, lines 16-31 and figure 1). Duhault teaches that the simultaneous display of more than one video signal is preferred in order to allow the user to monitor multiple programs simultaneously (column 1, lines 26-28). Therefore, it

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would have been obvious to one of ordinary skill in the art to modify the Anderson device to include the use of simultaneously displaying more than one in-play camera view as suggested by Duhault, in order to monitor several programs at the same time.

11. In regard to claim 2, note Anderson discloses enabling display of only one camera view associated with a video signal selected from the more than one video signal simultaneously displayed as at least two camera views on the display, said only one camera view selected in response to a user input at said hand held device (column 5, lines 1-15 and column 5, lines 40-45; only one signal is sent to the display after user selection).

12. In regard to claim 8, note Anderson discloses that said in-play camera location comprises placement within at least one racing car competing within a racing venue (column 6, lines 14-39).

13. In regard to claim 9, note Anderson discloses that said entertainment venue comprises a racing venue (column 2, line 65 – column 3, line 5).

14. In regard to claim 10, note Anderson discloses a method for transmitting entertainment venue-based in-play camera views comprising the steps more than one in-play camera simultaneously capturing in-play camera views from within an entertainment venue (column 3, lines 10-15; and figure 2: 22 and 25) and simultaneously transmitting said in-play camera views directly from said at more than one in-play camera to at least one hand held device (column 4, lines 45-54; and column 5, lines 22-37).

Therefore, it can be seen that the Anderson device lacks the use of simultaneously displaying more than one in-play camera view. Duhault discloses the use of a hand held device that can simultaneously display multiple video signals (column 2, lines 16-31 and figure 1). Duhault teaches that the simultaneous display of more than one video signal is preferred in order to allow the user to monitor multiple programs simultaneously (column 1, lines 26-28). Therefore, it would have been obvious to one of ordinary skill in the art to modify the Anderson device to include the use of simultaneously displaying more than one in-play camera view as suggested by Duhault, in order to monitor several programs at the same time

15. In regard to claim 11, note Anderson discloses the use of processing said in-play camera views at said at least one hand held device for display on a display associated with said at least one hand held device (column 6, lines 5-47; the video is processed in order to display the video that is selected by the user) and displaying video on said display associated with said at least one hand held device (column 6, lines 5-47), and Duhault discloses the simultaneous display of more than one in play camera view on said display (column 2, lines 16-31 and figure 1).

16. In regard to claim 12, note Anderson discloses displaying at least one in-play camera view selected from more than one in-play camera view to said hand held device in response to a user input (column 5, lines 1-9).

17. In regard to claim 18, note the primary reference of Anderson in view of Duhault disclose the use of a method for transmitting venue-based in-play camera views for display at a hand held device as claimed in claim 11. Therefore, it can be seen that the

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primary reference of Anderson in view of Duhault fails to disclose that at least one of said in-play camera views is recorded in a memory for use as an instant replay. Official notice is taken that the concepts and advantages of using instant replay in video are notoriously well known and expected in the art. Therefore, it would have been obvious to one of ordinary skill in the art to modify the primary device to use a camera view that comprises an instant replay in order to highlight specific events (e.g. an important play in a sporting event).

Since applicant did not traverse the Official notice, the statement of common knowledge or well-known use of instant replay of video is taken to be admitted prior based on the requirement of MPEP § 2144.03(c).

18. In regard to claim 19, note Anderson discloses that said more than one in-play camera location comprise placement within at least one racing car competing within a racing venue (column 6, lines 14-39).

19. In regard to claim 20, note Anderson discloses that said venue comprises a racing venue (column 2, line 65 – column 3, line 5).

20. In regard to claim 21, note Anderson discloses the steps of simultaneously transmitting in-play camera views from in-play cameras located an in-play locations within a venue to enterprise equipment (column 3, lines 28-65; and figure 1: 22 and 28), processing said in-play camera views at said enterprise equipment for transmission to at least one hand held device for selective display at a display screen associated with said at least one hand held device (column 4, lines 32-54; and figure 2: 64, 67, and 71)

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and transmitting processed in-play camera views to at least one hand held device (column 4, lines 47-54).

Therefore, it can be seen that the Anderson device lacks the use of simultaneously displaying more than one in-play camera view. Duhault discloses the use of a hand held device that can simultaneously display multiple video signals (column 2, lines 16-31 and figure 1). Duhault teaches that the simultaneous display of more than one video signal is preferred in order to allow the user to monitor multiple programs simultaneously (column 1, lines 26-28). Therefore, it would have been obvious to one of ordinary skill in the art to modify the Anderson device to include the use of simultaneously displaying more than one in-play camera view as suggested by Duhault, in order to monitor several programs at the same time.

21. In regard to claim 22, note Anderson discloses the steps of receiving processed in-play camera views at said at least one hand held device from said enterprise equipment (column 4, lines 6-60; the in-play cameras are considered to be the video cameras positioned around the event), processing said in-play camera view for selective display on a display associated with a hand held device (column 6, lines 5-47; the video is processed in order to display the video that is selected by the user), and displaying at least one in-play camera view on said display associated with said at least one hand held device, thereby enabling a user of said hand held device to view said in-play camera views through said hand held device (column 6, lines 5-47), and Duhault discloses the simultaneous display of more than one in-play camera view and the

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selection of one view as said at least one processed in-play camera (column 2, lines 16-31 and figure 1).

22. In regard to claim 29, note Anderson discloses that said in-play camera locations comprise placement within at least one racing car competing within a racing venue (column 6, lines 14-39).

23. In regard to claim 30, note Anderson discloses that said venue comprises a racing venue (column 2, line 65 – column 3, line 5).

24. In regard to claim 31, note Anderson discloses the steps of simultaneously receiving in-play camera views provided from at least one in-play camera at a hand held device (column 4, lines 6-60; the in-play cameras are considered to be the video cameras positioned around the event), processing said in-play camera view for display on a display associated with a hand held device (column 6, lines 5-47; the video is processed in order to display the video that is selected by the user), and displaying said in-play camera view on said display, thereby enabling a user of said hand held device to view said in-play camera views through said hand held device (column 6, lines 5-47).

Therefore, it can be seen that the Anderson device lacks the use of simultaneously displaying more than one in-play camera view. Duhault discloses the use of a hand held device that can simultaneously display multiple video signals (column 2, lines 16-31 and figure 1). Duhault teaches that the simultaneous display of more than one video signal is preferred in order to allow the user to monitor multiple programs simultaneously (column 1, lines 26-28). Therefore, it would have been obvious to one of ordinary skill in the art to modify the Anderson device to include the

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use of simultaneously displaying more than one in-play camera view as suggested by Duhault, in order to monitor several programs at the same time.

25. In regard to claim 70, this is an apparatus claim, corresponding to the method of claim 31. Therefore, claim 70 has been analyzed and rejected as previously discussed with respect to claim 31.

26. In regard to claim 72, note the primary reference of Anderson in view of Duhault discloses the use of system for transmitting venue-based in-play camera views for display at a hand held device as claimed in claim 70. Therefore, it can be seen that the primary reference fails to disclose the use of a memory for recording at least one in-play camera view for display as an instant replay. Official notice is taken that the concepts and advantages of using memory for instant replay in video are notoriously well known and expected in the art. Therefore, it would have been obvious to one of ordinary skill in the art to modify the primary device to use a camera view that comprises an instant replay in order to highlight specific events (e.g. an important play in a sporting event).

Since applicant did not traverse the Official notice, the statement of common knowledge or well-known use of memory for instant replay of video is taken to be admitted prior based on the requirement of MPEP § 2144.03(c).

27. Claims 3, 5, 7, 14, 16, 24, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson, Jr. et al. (US Patent # 6,578,203) in view of Duhault (US Patent # 6,456,334) in further view of Narayanaswami (US Patent # 6,657,654).

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28. In regard to claim 3, note the primary reference of Anderson in view of Duhault discloses the use of method for transmitting venue-based in-play camera views for display at a hand held device as claimed in claim 1. Therefore, it can be seen that the primary reference fails to disclose the step of recording video signals on the hand held device in response to user input at the hand held device. In analogous art, Narayanaswami disclose the use of a handheld device that records data that is received from a camera (column 5, lines 45-47). It is commonly known in the art to record a video source in order to allow the user to playback the video at a later time. Therefore, it would have been obvious to one of ordinary skill in the art to modify the Anderson device to include the step of recording the video source in order to replay the video at a later time.

29. In regard to claim 5, note Narayanaswami discloses storing said video signals within a memory location in the hand held device (column 5, lines 45-47; the camera view is stored in memory 210).

30. In regard to claim 7, note the primary reference of Anderson in view of Duhault and Narayanaswami discloses the use of a method for transmitting venue-based in-play camera views for display at a hand held device as claimed in claim 3. Therefore, it can be seen that the primary reference fails to disclose that said video signals comprises at least one instant replay. Official notice is taken that the concepts and advantages of using instant replay in video are notoriously well known and expected in the art. Therefore, it would have been obvious to one of ordinary skill in the art to modify the

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primary device to use a camera view that comprises an instant replay in order to highlight specific events (e.g. an important play in a sporting event).

Since applicant did not traverse the Official notice, the statement of common knowledge or well-known use of instant replay of video is taken to be admitted prior based on the requirement of MPEP § 2144.03(c).

31. In regard to claim 14, note the primary reference of Anderson in view of Duhault discloses the use of method for transmitting venue-based in-play camera views for display at a hand held device as claimed in claim 11. Therefore, it can be seen that primary reference fails to disclose the step of recording a particular in-play camera view transmitted from said at least one in-play camera in response to a user input.

Narayanaswami disclose the use of a handheld device that records data that is received from a camera (column 5, lines 45-47). It is commonly known in the art to record a video source in order to allow the user to playback the video at a later time. Therefore, it would have been obvious to one of ordinary skill in the art to modify the primary device to include the step of recording the video source in order to replay the video at a later time.

32. In regard to claim 16, note Narayanaswami discloses storing said particular in-play camera view within a memory associated with the hand held device (column 5, lines 45-47; the camera view is stored in memory 210).

33. In regard to claim 24, note the primary reference of Anderson in view of Duhault discloses the use of method for transmitting venue-based in-play camera views for display at a hand held device as claimed in claim 22. Therefore, it can be seen that the

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primary reference fails to disclose the step of recording at least one in-play camera view in response to a user input. Narayanaswami disclose the use of a handheld device that records data that is received from a camera (column 5, lines 45-47). It is commonly known in the art to record a video source in order to allow the user to playback the video at a later time. Therefore, it would have been obvious to one of ordinary skill in the art to modify the primary device to include the step of recording the video source in order to replay the video at a later time.

34. In regard to claim 28, note the primary reference of Anderson in view of Duhault and Narayanaswami disclose the use of a method for transmitting venue-based in-play camera views for display at a hand held device as claimed in claim 24. Therefore, it can be seen that the primary reference fails to disclose that said at least one in-play camera view comprises an instant replay. Official notice is taken that the concepts and advantages of using instant replay in video are notoriously well known and expected in the art. Therefore, it would have been obvious to one of ordinary skill in the art to modify the primary device to use a camera view that comprises an instant replay in order to highlight specific events (e.g. an important play in a sporting event).

Since applicant did not traverse the Official notice, the statement of common knowledge or well-known use of instant replay of video is taken to be admitted prior based on the requirement of MPEP § 2144.03(c).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US006144402A: note the use of a portable device having multiple tuners.

US 20050060751A1: note the use of a portable device having multiple tuners.

All claims are drawn to the same invention claimed in the application prior to the entry of the submission under 37 CFR 1.114 and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the application prior to entry under 37 CFR 1.114. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action after the filing of a request for continued examination and the submission under 37 CFR 1.114. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chriss S. Yoder, III whose telephone number is (571) 272-7323. The examiner can normally be reached on M-F: 8 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on (571) 272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CSY
May 23, 2007



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